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## City of Reading City Council

### Regular Meeting Monday, August 25, 2008

A regular meeting of City Council was held on the above date for the transaction of general business.

Council President Spencer called the meeting to order.

The invocation was given by Father John Francis of Christ Episcopal Church.

All present pledged allegiance to the flag.

#### **ATTENDANCE**

Council President Spencer  
Councilor S. Fuhs, District 1  
Councilor M. Goodman–Hinnershitz, District 2  
Councilor D. Sterner, District 3  
Councilor S. Marmarou, District 4  
Councilor M. Baez, District 5  
Councilor J. Waltman, District 6

Mayor T. McMahon  
Acting Managing Director R. Hottenstein  
Public Works Director C. Jones  
City Solicitor C. Younger  
City Auditor D. Cituk  
Public Works Director C. Jones  
City Clerk L. Kelleher

## **PROCLAMATIONS AND PRESENTATIONS**

- There were no proclamations or commendations issued at this meeting.

## **PUBLIC COMMENT**

Council President Spencer announced that two citizens were registered to address Council on agenda matters. He reminded those registered of the speaking rules listed on the agenda.

**Rick Hinnershitz** – of South 15<sup>th</sup> Street, voiced the need for the City to hire a construction and project manager to oversee the project at the Waste Water Treatment Plant. He described the effort used to circulate citizens petitions to make sure this issue is considered by City Council.

**Jim Scheidner** – of South 17<sup>th</sup> Street, noted the importance of having a construction and project manager to oversee the design of the Waste Water treatment Plant. He noted the importance of citizen participation in City Government and asked Council to approve the award of contract for a project and construction manager placed on the agenda through citizen initiative.

## **THE AGENDA AND THE MINUTES**

Council President Spencer called Council's attention to the minutes from the August 11<sup>th</sup> meeting and the agenda, including items under the Consent Agenda heading. He stated that Bill 43–2008 currently listed under the pending heading will be considered by Council tonight.

**Councilor Marmarou** moved, seconded by Councilor Waltman, to approve the agenda including the items under the Consent Agenda Heading and the minutes from the August 11<sup>th</sup> Regular Meeting of Council.

## **Consent Agenda Legislation**

**Resolution 91-2008** – To amend the FFY2008 one year Action Plan and the FFY2004 to FFY2008 five year Consolidated Plan to provide an additional \$170,000 in un-programmed CDBG funds for renovations to Hillside Playground. The new CDBG funding total will be \$285,000 (Community Development)

**Award of Contract** – Awarding of Contract for the design of a new Police Firing Range for the Reading Police Department to W2A Design Group, 609 Hamilton Street, Allentown, PA 18101 (Purchasing)

**Award of Contract** - Awarding of Contract for improvements to the Hillside Playground for the Departments of Public Works and Community Development to Bertolet Construction Corporation, 100 South Church Road, Wernersville, PA 19565, at a total submitted bid price of \$318,864.00 for various improvements to the Hillside Playground (Purchasing)

## **ADMINISTRATIVE REPORT**

Acting Managing Director Hottenstein highlighted the report distributed to Council at the meeting covering the following:

- 2008 Leaf Collection starting Monday October 27<sup>th</sup>
- Centre Park Arts and Antiques Fair scheduled for September 14<sup>th</sup> from 10 am to 5pm

Councilor Fuhs inquired when the installation of the security cameras would begin. Acting Managing Director Hottenstein stated that the installation will begin tomorrow August 26<sup>th</sup> and will be operational by year end.

Councilor Fuhs noted past statements by the Mayor that tax payer dollars

would not be used to fund public art effort. He inquired about the Mayor's desire to obtain money from the Reading Redevelopment Authority to move the public art effort forward.

Mayor McMahon replied that the money he is seeking from the Redevelopment Authority is left over from past collections made by the Fine Arts Board. He explained that the Fine Arts Board collected 1% of the total amount of construction projects for Public Art efforts.

Councilor Goodman-Hinnershitz noted the use of the United Way to assist residents displaced through the housing permit process. Acting Managing Director Hottenstein noted that the implementation of the new housing permit ordinance has been phased. As the City reaches the enforcement phase they have partnered with United Way to assist tenants displaced when illegal or unsafe buildings are closed down.

Councilor Waltman requested a report on the impact leaf collection has on street sweeping services.

### **AUDITORS REPORT**

City Auditor Dave Cituk read the report distributed to Council covering the following

- Collection of 2008 Admissions Fee
- Collection of 2008 Real Estate Transfer Tax

### **ORDINANCES FOR FINAL PASSAGE**

**Bill 54-2008** - Amending The City Of Reading Zoning Ordinance Per Exhibit "A," To Create, Add And Define The Use Of Student Home As A Conditional Use And Requirements Therefor In The City Of Reading R-1a (Residential), R-1 (Residential) And R-2 (Residential) Zoning Districts And As A Permitted Use In R-3 (Residential) City of Reading Zoning Districts (Public Safety Committee & Law Department) *Introduced at the July 14*

*meeting; Public Hearing held Wed, Aug 20<sup>th</sup> at 5 p.m. in Council Chambers*

Councilor Moved moved, seconded by Councilor Fuhs, to enact Bill 54–2008.

Councilor Sterner noted the work of the Public Safety Committee to bring creative legislation forward to provide better controls on rental housing.

Councilor Marmarou noted the extensive research performed by Council Staff and the Solicitor's Office to find applications that have been successful in other cities. He stated that the northeast area of the City, surrounding Albright College, was developed in the late 1920's and early 1930's. He stated that this area, zoned R–2, was designed as an owner occupied, single family neighborhood. He noted that currently the area between Perry and Union, Palm to 13<sup>th</sup> Streets has more rental properties than owner occupied properties. He noted that in the 1500 block of N. 14<sup>th</sup> Street alone there are over 6 rental properties. He noted the outcry from residents about the change in quality of life caused by the upswing in rental properties.

Councilor Goodman–Hinnershitz expressed the belief that Council has effectively responded with a planned approach to provide ordinances that protect the quality of life of the City's residential neighborhoods.

Councilor Waltman noted that not all student properties are problem properties and suggested that Council and the Administration continue working to further address housing issues.

Councilor Marmarou agreed that the majority of student rental properties are filled with good mannered, responsible students; however, others do cause problems and spoil the situation for all. He noted the student housing task force's work to educate the student population about the City's rules, laws, and regulations.

**Bill 54–2008 was enacted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer, President – 7  
Nays – 0**

**Bill No. 49–2008 – Storm Water Management (Public Works/Solicitor)**  
*Introduced at the July 14 meeting; Tabled at the July 28 meeting due to  
lack of map; map attached*

**Councilor Waltman moved, seconded by Councilor Sterner, to enact Bill  
49–2008.**

Public Works Director Jones explained that this ordinance addresses Storm Water Management and brings the city in compliance with state and federal regulations. He stated that Reading has two watersheds; Tulpehocken Creek and Schuylkill River. He explained the difference between storm water and waste water.

Councilor Goodman–Hinnershitz stated that littering and illegal dumping often sends trash into the storm water system. Public Works Director Jones stated that this Ordinance does not address trash and litter in the storm water system.

Councilor Waltman expressed the belief that while the street sweeping process helps it does not cure the problem caused by littering. Public Works Director Jones noted that the street sweeper does not pick up litter.

**Bill 49–2008 was enacted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer, President – 7**

Nays – 0

**Bill No. 43–2008** – amending the Housing Permit Ordinance by reducing the number of Disruptive Conduct Reports needed for the eviction of the tenant(s) to two and increasing the appeal fee from \$50 to \$75 (Council Public Safety Committee) *Introduced at the May 12 regular meeting; Tabled at the May 27 regular meeting; Reintroduced at the July 28 regular meeting; review by HUD required*

Councilor Sterner moved, seconded by Councilor Goodman–Hinnershitz, to enact Bill 43–2008.

Councilor Sterner explained that the Public Safety Committee has been working on this ordinance since February 2008. He noted the extensive research performed by Council Staff to improve this ordinance. He stated that currently three disruptive conducts reports must occur before a tenant is evicted. This ordinance will reduce the number of disruptive conduct reports to two.

Councilor Goodman–Hinnershitz stated that this ordinance has worked here and in other cities. She expressed the belief that this amendment will provide further assistance. This improvement will greatly assist those negatively by affected by disruptive neighbors.

Council President Spencer also reminded everyone that this amendment also increases the appeal fee from \$50 to \$75.

**Bill 43–2008 was enacted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer, President – 7**  
**Nays – 0**

## **INTRODUCTION OF NEW ORDINANCES**

Council President Spencer read the following ordinances into the record.

**Ordinance** - Amending the City of Reading Codified Ordinances, Chapter 7 Housing which will amend the time for inspection from 3 years to not less than 3 and not more than 5 years throughout the ordinance as referred to as Renewal Inspection; removes the word points from the ordinance and replaces it with violations; and amends the required Addendum to Rental Agreement to remove limitation of no more than 5 persons in rooms or common areas It is amended to refer to limit to habitable space per applicable Ordinances **(Law Dept)**

**Ordinance** – An Ordinance Creating A Committee To Assist, Guide And Participate In The Amending, Revising And Rewriting Of The City Of Reading Zoning Ordinance, Subdivision And Land Development Ordinance (SALDO) And Official Map **(Law Dept)**

## **RESOLUTIONS**

**Resolution 92–2008** - appointing Alicia Snead to the Human Relations Commission **(Admin Oversight)**

**Administrative Oversight Committee moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 92–2008.**

Councilor Marmarou thanked Ms. Snead for stepping forward to volunteer on the Human Relations Commission.

**Resolution 92–2008 was enacted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer President – 7**

**Nays – 0**

**Resolution 93–2008**– upholding the decision of HARB to deny a certificate of appropriateness for the installation of ceramic tile on the porch floor of 1050 North 5<sup>th</sup> St.

**Councilor Marmarou moved, seconded by Councilor Goodman–Hinnershitz, to adopt Resolution 93–2008.**

Councilor Waltman expressed his belief in the value of Historic Districts and noted the need for the details of buildings in those districts to be retained.

Councilor Baez agreed with the need to retain historical features of buildings in Historic Districts. She stated that in this instance the owner understood the need for a permit before undertaking the project.

**Resolution 93–2008 was enacted by the following vote:**

**Yeas – Baez, Fuhs, Goodman–Hinnershitz, Marmarou, Sterner,  
Waltman, Spencer President – 7  
Nays – 0**

**Resolution 70–2008** – awarding the construction and project manager contract to Hill International/Weston Solutions/ Hazen Sawyer at a not to exceed price of \$7,825,075 for services at the City’s Wastewater Treatment Plant and also authorizing the issuance of an Advance Notice to Proceed to allow work to begin while the final contract is being assembled and executed. *(Initiated through Citizen Petition submitted Monday August 18, 2008)*

**Councilor Fuhs moved, seconded by Councilor Marmarou, to table Resolution 70–2008.**

**Resolution 70–2008 was tabled by the following vote:**

**Yeas – Baez, Fuhs, Marmarou, Spencer–4  
Nays – Goodman–Hinnershitz, Sterner, Waltman, –3**

## **COUNCIL COMMENT**

Councilor Fuhs explained that by tabling Resolution 70–2008 (award of contract for construction and project manager) will allow Council to take additional time to explore the issue. He explained the members of Council undertook the citizen position process by having friends circulate the petitions.

Councilor Fuhs stated that his concerns with the Giannasca Riverview Development go back to June 5<sup>th</sup> when the Administration requested that Council amend the agenda to include a resolution that would adopt the master developer agreement at the June 8<sup>th</sup> session. He stated that after he and Council President Spencer reviewed the document many flaws were noted; therefore, Council refused to add this resolution to the agenda and asked the Administration to have it reviewed by independent Counsel. He stated that this document was put forward without sufficient legal review by the City Solicitor or independent legal counsel.

Councilor Baez stated that she voted in favor of tabling the project construction manager resolution to allow the Charter Board time to prepare their advisory opinion.

Councilor Goodman–Hinnershitz expressed the belief that tabling the resolution for the project and construction manager was unfair as it undercut discussion required by the citizen petition. She expressed the belief that the Administrative Code is faulty in providing the Council President with the individual power to control the agenda. She expressed the belief that a separate petition should be circulated to require a change in that section.

Councilor Waltman stated that he was unaware of a request for an Advisory Opinion from the Charter Board. He stated that this request does nothing more than delay this issue further.

Councilor Sterner inquired if the Council President will again remove the Resolution from the Agenda.

Council President Spencer explained his questions with the wording on the petition requiring reconsideration of the Resolution. He noted that the action requested on the petition was already taken by Council at the July 28<sup>th</sup> regular Meeting of Council. He stated that the petition should have requested that Council take action on the award of contract. He noted his discussions on this issue with City Solicitor last week. He expressed the belief that the language used in the petition may be improper.

Councilor Sterner questioned the intent of the minority to create difficulties for the majority who approve of this award of contract. He noted the need for this issue to move forward.

Councilor Sterner noted his appreciation for the City's rehabilitation of the Hillside Playground. He noted the great effort by the Hillside organization.

Councilor Goodman-Hinnershitz expressed the belief that the citizens who signed the petition will be concerned with the lack of action or discussion on this issue brought forward by their initiative. She expressed her belief in the process used and in the ability of citizens to address these issues.

Councilor Fuhs expressed the belief that the citizen initiative processes should not be used by City Council members. He expressed his belief in the Council President's ability to control the agenda. He explained the need for a supermajority of Council to override a decision made by the President of Council. He congratulated Councilor Baez for her courage that will allow language to be further reviewed. He noted the effort of the Mayor to sway the position of certain Councilors.

Councilor Waltman noted the need for the Solicitor to provide an opinion. He expressed the belief that the public initiative deserved discussion. He added that the actions taken tonight are wasting more time.

Council President Spencer noted his disagreement with the opinion of the Solicitor inspired him to seek further counsel from the Charter Board.

Councilor Fuhs inquired if the City Solicitor participated in drafting the language used on the petition.

City Solicitor Younger stated that he did assist in drafting the language of the petition. He inquired if the Council President sent an Advisory Opinion to the Charter Board. Mr. Spencer stated that the request for an opinion was sent.

City Solicitor expressed the belief that the item on the agenda should be considered and discussed by Council.

Council President Spencer explained that he is seeking an Advisory Opinion on the language used on the petition. He expressed concern that the mis-wording on the petition could have left citizens unsure about the meaning of the document.

Councilor Waltman noted his respect for the concern of the Council President. He suggested that petitions be re-circulated to reword the language.

Council President Spencer expressed the belief that those who drafted the Home Rule Charter and the Administrative Code wanted to protect the minority representation as they requested a super majority vote to amend the agenda. He noted that Robert's Rules also uses this application.

Councilor Baez stated that she is still in favor of the award of contract but agrees with the need for advice from the Charter Board. She stated that Council did indeed act on the issue brought forward by citizen initiative.

Although the issue was not discussed this evening it will be discussed at a future session.

**Councilor Marmarou moved, seconded by Councilor Sterner, to adjourn the Regular Meeting of Council.**

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Linda Kelleher  
City Clerk